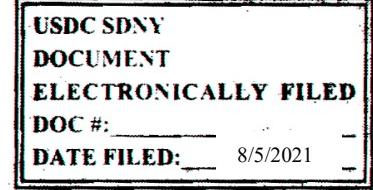


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MILTON SIMON,

**Plaintiff,**

**18-CV-12063 (JPC) (SN)**

-against-

**ORDER**

C.O. JOHN DOE, et al.,

**Defendants.**

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**SARAH NETBURN, United States Magistrate Judge:**

During the unsuccessful settlement conference held on August 2, 2021, *pro se* Plaintiff raised a question about amending the complaint to add the names of certain defendants that are identified as John Doe Defendants in the Amended Complaint. See ECF No. 13. On September 27, 2019, the City identified two defendants (the correction officers assigned to 1-Upper A- and B- Posts) and provided addresses for service, and it said it was still unable to identify a third—the correction officer assigned to the “clinic area,” per Plaintiff’s Amended Complaint. ECF No. 24. The Court ordered the Plaintiff to provide the City with additional identifying information regarding the third unknown defendant. ECF No. 25. By March 2020, the Court warned Plaintiff that it was likely to dismiss the third defendant (the “clinic area” correction officer) if that person could not be identified. ECF No. 50.

As the Court noted on March 9, 2020, the time to file a Second Amended Complaint has expired. Id. In light of Plaintiff’s *pro se* status, however, Plaintiff may request that the Court replace “C.O. John Doe (1-Upper A-Post)” with “Correction Officer M. Mills, Shield No.

12031," and replace "C.O. John Doe (1-Upper B-Post)" with "Correction Officer A. Alvarez, Shield No. 12053." See Fed. R. Civ. P. 21. If Plaintiff requests this amendment, the Court will order service upon these defendants. This amendment, however, is without prejudice to any statute of limitations defense to which these defendants may be entitled. Plaintiff is directed to inform the Court how he wishes to proceed by August 20, 2021.

The Clerk of Court is respectfully directed to mail a copy of this Order to the *pro se* Plaintiff.

**SO ORDERED.**



SARAH NETBURN  
United States Magistrate Judge

DATED: August 5, 2021  
New York, New York